

REMARKS

The present application was filed on November 9, 1999 with claims 1 through 58. Claims 1 through 58 are presently pending in the above-identified patent application.

5 In the Office Action, the Examiner rejected claims 1-11, 13, 15-21, 24, 26-32, 35, 37-39, 40-47, 49, and 50-57 under 35 U.S.C. §103(a) as being unpatentable over Li et al. (United States Patent Number 6,219,793 B1), and further in view of Fischer (United States Patent Number 5,659,617). The Examiner also rejected claims 12, 14, 22, 23, 25, 33, 34, 36, 48, and 58 under 35 U.S.C. §103(a) as being unpatentable over Li et
10 al. in view of Fischer, and further in view of "Wireless Enhanced 9-1-1 Service – Making it a Reality," Bell Labs Technical Journal (Autumn 1996) by Meyer et al. (hereinafter Meyer et al.)

The present invention is directed to a global positioning system (GPS)-based access control method and apparatus for limiting access to a device or secure
15 facility by verifying the location of an authorized user. The GPS-based access control system confirms that the user requesting access to a device or secure location is physically present at the location of the device or secure location. Upon an access control request, the location of the user is obtained using an individual GPS system carried by each user on a portable device, such as a pocket token, computer-readable card, cellular
20 telephone or watch. If the location of a person making an access control request does not coincide with the coordinates of the individual GPS that is being worn by the authorized user associated with the password, then the person requesting access is unauthorized.

Independent Claims 1, 16, 27, 38, 39, 42, 45, 49, 52 and 55

Independent claims 1, 16, 27, 38, 39, 42, 45, 49, 52, and 55 were rejected
25 under 35 U.S.C. §103(a) as being unpatentable over Li et al., and further in view of Fischer.

In particular, the Examiner asserts that Li teaches a challenge-response to authenticate a wireless communication, but acknowledges that Li does not disclose a "challenge response method that uses the location." The Examiner asserts, however, that
30 Fischer discloses an apparatus for providing location certificates to certify the position or location of an object (Abstract) and discloses that, for audit and billing purposes, the

location of the requestor for access to sensitive material or databases is needed (col. 1, lines 38-40).

Applicants note that Fischer merely states that the location of the requestor for access to sensitive material or databases *is needed*. Fischer does not disclose or suggest the identification of a user by evaluating location of information as described in the limitations of the independent claims. In particular, independent claims 1, 16, 27, and 38 require identifying a location of an authorized person associated with said response; identifying a location where said response is received; and providing access to said user if said locations match. Independent claims 39 and 49 require identifying each registered person within a predefined distance of said requested device. Independent claims 42 and 52 require identifying said user by comparing a location of each identified potential user with a location where said biometric information was obtained. Independent claims 45 and 55 require confirming said user requesting access to said device is physically present at the location of said requested device by determining a location of said transmitting device (wherein said transmitting device is associated with said user). Fischer does not disclose or suggest any of these limitations.

Thus, Li and Fischer, alone or in combination, do not disclose or suggest identifying a location of an authorized person associated with said response; identifying a location where said response is received; and providing access to said user if said locations match, as required by independent claims 1, 16, 27, and 38, do not disclose or suggest identifying each registered person within a predefined distance of said requested device, as required by independent claims 39 and 49, do not disclose or suggest identifying said user by comparing a location of each identified potential users with a location where said biometric information was obtained, as required by independent claims 42 and 52, and do not disclose or suggest confirming said user requesting access to said device is physically present at the location of said requested device by determining a location of said transmitting device (wherein said transmitting device is associated with said user), as required by independent claims 45 and 55.

Additional Cited References

Meyer et al. was also cited by the Examiner for its disclosure of asking the cell phone user "Do you have any more details on your location?" (Meyer: page 189,

right column, lines 1-2.) Applicants note that Meyer is directed to enhanced 9-1-1 service for wireless networks. Meyer does not disclose or suggest the identification of a user as described in the limitations of the independent claims.

Thus, Meyer does not disclose or suggest identifying a location of an
5 authorized person associated with said response; identifying a location where said response is received; and providing access to said user if said locations match, as required by independent claims 1, 16, 27, and 38, does not disclose or suggest identifying each registered person within a predefined distance of said requested device, as required by independent claims 39 and 49, does not disclose or suggest identifying said user by
10 comparing a location of each identified potential users with a location where said biometric information was obtained, as required by independent claims 42 and 52, and does not disclose or suggest confirming said user requesting access to said device is physically present at the location of said requested device by determining a location of said transmitting device (wherein said transmitting device is associated with said user), as
15 required by independent claims 45 and 55.

Dependent Claims 2-15, 17-26, 28-37, 40, 41, 43, 44, 46-48, 50, 51, 53, 54 and 56-58

Dependent claims 2-11, 13, 15, 17-21, 24, 26, 28-32, 35, 37, 40, 41, 43, 44, 46, 47, and 50, 51, 53, 54, and 56-57 under 35 U.S.C. §103(a) as being unpatentable
20 over Li et al., and further in view of Fischer and dependent claims 12, 14, 22, 23, 25, 33, 34, 36, 48, and 58 were rejected under 35 U.S.C. §103(a) as being unpatentable over Li et al. in view of Fischer, and further in view of Meyer et al.

Claims 2-15, 17-26, 28-37, 40-41, 43-44, 46-48, 50-51, 53-54, and 56-58 are dependent on claims 1, 16, 27, 39, 42, 45, 49, 52, and 55, respectively, and are
25 therefore patentably distinguished over Li et al., Fischer, and Meyer et al. (alone or in any combination) because of their dependency from amended independent claims 1, 16, 27, 39, 42, 45, 49, 52, and 55 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., Claims 1-58, are in condition for allowance
30 and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

5

Respectfully submitted,

Date: December 18, 2003



Kevin M. Mason

Attorney for Applicants

Reg. No. 36,597

10

Ryan, Mason & Lewis, LLP

1300 Post Road, Suite 205

Fairfield, CT 06824

(203) 255-6560